

and give meaning to so I don't think the court would have any problem in interpreting in a legal fashion the word "similar". Now if you would ask me specifically, you know the question that you have in mind, I will try to answer it.

SENATOR RASMUSSEN: I will ask you one more question. Why did you use the date April 20th, 1973 for the review?

SENATOR CHAMBERS: What I did, when I had the bill drafted was to say that since the death law came into effect, and I believe that must be the date that the law was enacted and the date would have been provided by the bill drafter.

SENATOR RASMUSSEN: Senator Chambers, then if that was the only reason, would you have any objections to strike that part and add "occurring after the effective date of this act, they shall be reviewed."

SENATOR CHAMBERS: No, because there would not be any cases for comparison. If for the comparison to be valid and proper, you would have to compare all the cases that occurred under the present law. I will tell you what I will do. If you will vote to abolish the present death penalty, then I would say that any cases, and then you immediately get a bill to reinstate the death penalty with a provision like this for the review, then I would agree that the review should occur from the date of the new death law. But if the review is to be of capital cases, those where death is pronounced and those capital cases where a capital charge is brought but a death penalty is not imposed, then all of the cases under that law would have to be reviewed. There is no way around that.

SENATOR RASMUSSEN: No further questions.

SENATOR SAVAGE: Is there any further discussion? Seeing none, Senator Chambers....just a moment. The Chair recognizes Senator Koch.

SENATOR KOCH: A question of Senator Chambers if he will yield.

SENATOR SAVAGE: Will you respond, Senator Chambers?

SENATOR KOCH: Senator Chambers, going back to the discussion you were having with Senator Rasmussen over the use of the word "similar". Isn't it true presently there are two people on death row that were charged with the same type of crime, yet one of them received first degree and the other received second degree?

SENATOR CHAMBERS: You mean on that Ell and Russ case, yes, they were both involved in the same crime.

SENATOR KOCH: But they came from different counties?

SENATOR CHAMBERS: I am not sure. Well, see there are cases...

SENATOR KOCH: What I am saying is as I interpret that it would be similar, when you are talking about that, it would be for a similar type of case, right?

SENATOR CHAMBERS: Right.